

Environmental Protection Agency

§ 52.1620

§ 52.1607 Small business technical and environmental compliance assistance program.

On January 11, 1993, the New Jersey Department of Environmental Protection and Energy submitted a plan for the establishment and implementation of a Small Business Stationary Source Technical and Environmental Compliance Assistance Program for incorporation in the New Jersey state implementation plan. This plan satisfies the requirements of section 507 of the Clean Air Act, and New Jersey must implement the program as approved by EPA.

[59 FR 34386, July 5, 1994]

Subpart GG—New Mexico

§ 52.1620 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan (SIP) for New Mexico under section 110 of the Clean Air Act, 42 U.S.C. 7401, and 40 CFR part 51 to meet national ambient air quality standards.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to July 1, 1999, was approved for incorporation by reference by the Director of the Federal Register in ac-

cordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c) and (d) of this section with EPA approval dates after July 1, 1999, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 6 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State implementation plan as of July 1, 1999.

(3) Copies of the materials incorporated by reference may be inspected at the Region 6 EPA Office at 1445 Ross Avenue, Suite 700, Dallas, Texas, 75202-2733; the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M St., SW., Washington, DC 20460; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(c) EPA approved regulations.

EPA APPROVED NEW MEXICO REGULATIONS

| State citation | Title/subject | State approval/effective date | EPA approval date | Comments |
|--|---|-------------------------------|-----------------------------|--|
| New Mexico Administrative Code (NMAC) Title 20—Environment Protection Chapter 2—Air Quality | | | | |
| Part 1 | General Provisions | 10/27/95 | 11/25/97, 62 FR 50514 | This date reflects a recodification, not EPA approval of underlying requirement. |
| Part 2 | Definitions | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 3 | Ambient Air Quality Standards ... | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 5 | Source Surveillance | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 7 | Excess emissions during Malfunction, Startup, Shutdown, or Scheduled Maintenance. | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 8 | Emissions Leaving New Mexico | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 10 | Woodwaste Burners | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 11 | Asphalt Process Equipment | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 12 | Cement Kilns | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 13 | Gypsum Processing Plants | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 14 | Particulate Emissions From Coal Burning Equipment. | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 15 | Pumice, Mica and Perlite Process Equipment. | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 16 | Nonferrous Smelters (New and Existing)-Particulate Matter. | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 17 | Nonferrous Smelters (Existing)-Particulate Matter. | 11/30/95 | 11/25/97, 62 FR 50514 | |

EPA APPROVED NEW MEXICO REGULATIONS—Continued

| State citation | Title/subject | State approval/effective date | EPA approval date | Comments |
|--|---|-------------------------------|-----------------------------|--|
| Part 18 | Oil Burning Equipment-Particulate Matter. | 11/30/95 | 11/25/97, 62 FR 50514 | Subparts I, II, III, and V in SIP. |
| Part 19 | Potash, Salt or Sodium Sulfate Processing Equipment-Particulate Matter. | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 20 | Lime Manufacturing Plants-Particulate Matter. | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 21 | Fugitive Particulate Matter Emissions from Nonferrous Smelters. | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 22 | Fugitive Particulate Matter Emissions from Roads within the Town of Hurley. | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 30 | Kraft Mills | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 31 | Coal Burning Equipment-Sulfur Dioxide. | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 32 | Coal Burning Equipment-Nitrogen Dioxide. | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 33 | Gas Burning Equipment-Nitrogen Dioxide. | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 34 | Oil Burning Equipment-Nitrogen Dioxide. | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 40 | Sulfuric Acid Production Units-Sulfur Dioxide, Acid Mist and Visible Emissions. | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 41 | Nonferrous Smelters-Sulfur | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 60 | Open Burning | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 61 | Smoke and Visible Emissions | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 70 | Operating Permits | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 71 | Operating Permit Emission Fees | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 72 | Construction Permits | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 73 | Notice of Intent and Emissions Inventory Requirements.. | 10/1/97 | 2/8/02, 67 FR 6152 | |
| Part 74 | Prevention of Significant Deterioration. | 7/20/95 | 10/15/96, 61 FR 53639 | |
| Part 75 | Construction Permit Fees | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 79 | Permits—Nonattainment Areas .. | 10/1/97 | 2/8/02, 67 FR 6152 | |
| Part 80 | Stack Heights | 11/30/95 | 11/25/97, 62 FR 50514 | |
| Part 98 | General Conformity | 08/02/96 | 9/9/98, 63 FR 48109 | |
| Part 99 | Transportation Conformity | 11/23/98 and 09/08/99 | 3/20/00, 65 FR 14877 | (1) No action is taken on sections 109. C.1, 114, 128.C–F, 137.E, 139.A.2, 140.A.1, and 147.B |
| New Mexico Administrative Code (NMAC) Title 20—Environment Protection Chapter 11—Albuquerque/Bernalillo County Air Quality Control Board (AQCB) | | | | |
| Part 03 | Transportation Conformity | 07/01/98 | July 8, 1999. 64 FR 36790 | (1) No action is taken on sections I.2.3., II.2.4, II.7.3–7.6, II.16.5, II.18.1.B, II.19.1.A, and II.22.2. and (2) this rule supersedes Regulation 42 codified under Albuquerque-Bernalillo County, Air Quality Control Regulations. |

EPA APPROVED ALBUQUERQUE/BERNALILLO COUNTY, NM REGULATIONS

| State citation | Title/subject | State approval/effective date | EPA approval date | Comments |
|----------------|--------------------|-------------------------------|-----------------------|----------|
| Regulation No. | | | | |
| 1 | Resolutions | 01/12/79 | 04/10/80, 45 FR 24468 | |
| 2 | Definitions | 03/16/89 | 12/21/93, 58 FR 67333 | |
| 3 | Open Burning | 01/12/79 | 04/10/80, 45 FR 24468 | |
| 4 | Incinerators | 01/12/79 | 04/10/80, 45 FR 24468 | |

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EPA APPROVED ALBUQUERQUE/BERNALILLO COUNTY, NM REGULATIONS—Continued

| State citation | Title/subject | State approval/effective date | EPA approval date | Comments |
|----------------|---|-------------------------------|------------------------|--|
| 5 | Visible Air Contaminants | 01/12/79 | 04/10/80, 45 FR 24468 | REGS NOT IN SIP. See Notice of Delegation published 10/06/95, 60 FR 52329. |
| 6 | Orchard Heaters | 01/12/79 | 04/10/80, 45 FR 24468 | |
| 7 | Motor Vehicle Air Pollution Control Devices. | 01/12/79 | 04/10/80, 45 FR 24468 | |
| 8 | Airborne Particulate Matter | 03/17/83 | 02/23/93, 58 FR 10972 | |
| 9 | Process Equipment | 01/12/79 | 04/10/80, 45 FR 24468 | |
| 10 | Kraft Mills | 01/12/79 | 04/10/80, 45 FR 24468 | |
| 11 | Organic Fluids | 01/12/79 | 04/10/80, 45 FR 24468 | |
| 12 | Coal Burning Equipment—Nitrogen Dioxide Emission Limits. | 01/12/79 | 04/10/80, 45 FR 24468 | |
| 13 | Coal Burning Equipment—Sulfur Dioxide Emission Limits. | 01/12/79 | 04/10/80, 45 FR 24468 | |
| 14 | Coal Burning Equipment—Particulate Emission Limits. | 01/12/79 | 04/10/80, 45 FR 24468 | |
| 15 | Oil Burning Equipment—Nitrogen Dioxide Emission Limits. | 01/12/79 | 04/10/80, 45 FR 24468 | |
| 16 | Oil Burning Equipment—Particulate Emission Limits. | 01/12/79 | 04/10/80, 45 FR 24468 | |
| 17 | Oil Burning Equipment—Sulfur Dioxide Emission Limits. | 01/12/79 | 04/10/80, 45 FR 24468 | |
| 18 | Gas Burning Equipment—Nitrogen Dioxide Emission Limits. | 01/12/79 | 04/10/80, 45 FR 24468 | |
| 19 | Breakdown, Abnormal Operating Conditions, or Scheduled Maintenance. | 01/12/79 | 04/10/80, 45 FR 24468 | |
| 20 | Permits | 02/26/93 | 03/16/94, 59 FR 12172 | |
| 21 | Permit Fees | 01/12/79 | 04/10/80, 45 FR 24468 | |
| 22 | Registration of Air Contaminant Sources. | 01/12/79 | 04/10/80, 45 FR 24468 | |
| 23 | Source Surveillance | 01/12/79 | 04/10/80, 45 FR 24468. | |
| 24 | Variance Procedure | 01/12/79 | 04/10/80, 45 FR 24468 | |
| 25 | Administration and Enforcement | 01/12/79 | 04/10/80, 45 FR 24468 | |
| 26 | Interpretation | 01/12/79 | 04/10/80, 45 FR 24468 | |
| 27 | Emergency Action Plan | 01/12/79 | 04/10/80, 45 FR 24468 | |
| 28 | Motor Vehicle Inspection | 07/01/95 | 06/13/96, 61 FR 29970 | |
| 29 | Prevention Of Significant Deterioration. | 03/26/93 | 12/21/93, 58 FR 67333 | |
| 30—31 | NSPS/NESHAPS | | | |
| 32 | Construction Permits—Nonattainment Areas. | 02/26/93 | 12/21/93, 58 FR 67329 | 42.11 not approved by EPA. |
| 33 | Stack Height Requirements | 03/16/89 | 03/05/91, 56 FR 09175 | |
| 34 | Woodburning | 11/27/91 | 11/23/93, 58 FR 62539 | |
| 35 | Alternative Fuels | 11/10/93 | 05/05/94, 59 FR 23168 | |
| 42 | Transportation Conformity | 11/09/94 | 11/08/95, 60 FR 56244 | |
| 43 | General Conformity | 11/09/94 | 09/13/96, 61 FR 48407 | |

(d) EPA-approved State Source-specific requirements.

EPA-APPROVED NEW MEXICO SOURCE-SPECIFIC REQUIREMENTS

| Name of source | Permit number | State approval/effective date | EPA approval date | Explanation |
|----------------|---------------|-------------------------------|-------------------|-------------|
| None | | | | |

(e) EPA approved nonregulatory provisions.

EPA APPROVED NEW MEXICO STATUTES IN THE CURRENT NEW MEXICO SIP

| State citation | Title/subject | State Approval/ effective date | EPA approval date | Comments |
|--|---|--------------------------------|-----------------------|----------|
| NMSA 1978—New Mexico Statutes in the Current New Mexico SIP | | | | |
| 74-1-4 | Environmental Improvement Board—Creation—Organization. | 04/20/90 | June 1, 1999. | |
| 74-2-1 | Short Title | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74-2-2 | Definitions | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74-2-3 | State Air Pollution Control Agency. | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74-2-4 | Municipal or County Air Quality Control Board. | 04/20/90 | June 1, 1999 | |
| 74-2-5 | Duties and Powers of Board | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74-2-6 | Adoption of Regulations Notice and Hearings. | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74-2-7 | Permits | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74-2-8 | Variances | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74-2-9 | Variances—Judicial Review | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74-2-10 | Emergency Procedure | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74-2-11 | Confidential Information | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74-2-11.1 ... | Limitations on Regulations | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74-2-12 | Enforcement | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74-2-13 | Inspection | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74-2-14 | Penalties | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74-2-15 | Additional Means of Enforcement | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74-2-15.1 ... | Primary Nonferrous Smelter Orders. | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74-2-16 | Declaratory Judgement of Regulation. | 08/11/83 | 11/02/84, 49 FR 44101 | |
| 74-2-17 | Continuing Effect of Present Laws, Rules, and Regulations. | 08/11/83 | 11/02/84, 49 FR 44101 | |
| Article 16, Sections 10-16-1 through 10-16-16. | New Mexico Conflict of Interest Act. | 07/16/90 | June 1, 1999. | |
| Article 16, Supplemental. | New Mexico Environmental Improvement Board Code of Conduct. | 07/16/90 | June 1, 1999. | |

EPA Approved City of Albuquerque and Bernalillo County Ordinances for State Board Composition and Conflict of Interest Provisions

| | | | | |
|---|---|----------|--------------------|------------------------|
| City of Albuquerque, Chapter 6, Article XVII Sections 6-17-1 to 6-17-3. | Metropolitan Environmental Health Advisory Board. | 11/16/90 | June 1, 1999. | |
| Bernalillo County Commission Ordinance 302. | Metropolitan Environmental Health Advisory Board. | 08/05/74 | June 1, 1999. | |
| Bernalillo County Commission Ordinance 90-19. | Metropolitan Environmental Health Advisory Board. | 08/21/90 | June 1, 1999 | Amended Ordinance 302. |
| City of Albuquerque, Chapter 6, Article XVI Sections 6-16-1 to 6-16-15. | Joint Air Quality Control Board Ordinance. | 08/01/89 | June 1, 1999. | |

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EPA APPROVED NEW MEXICO STATUTES IN THE CURRENT NEW MEXICO SIP—Continued

| State citation | Title/subject | State Approval/ effective date | EPA approval date | Comments |
|---|--|-----------------------------------|----------------------------|--------------------------|
| Bernalillo County Commission Ordinance 88-45. | Joint Air Quality Control Board Ordinance. | 12/27/88 | June 1, 1999 | Amended Ordinance 84-44. |
| City of Albuquerque Chapter 1, Article XII Sections 1-12-1 to 1-12-3. | Public Boards, Commissions and Committees. | 07/01/87 | June 1, 1999. | |
| City of Albuquerque Chapter 2, Article III Sections 2-3-1 to 2-3-13. | Conflict of Interest | 07/01/85 | June 1, 1999. | |
| City of Albuquerque Charter, Article XII. | Code of Ethics | 04/01/90 | June 1, 1999. | |
| Bernalillo County Commission Ordinance 85-3. | Code of Ethics | 02/05/85 | June 1, 1999. | |
| City of Albuquerque Code of Conduct. | City Code of Conduct | 02/09/90 | June 1, 1999. | |
| City of Albuquerque request for redesignation. | Carbon monoxide maintenance plan and motor vehicle emission budgets. | 6/22/98 | 5/24/00, 65 FR 33460 | |

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP

| Name of SIP provision | Applicable geographic or nonattainment area | State submittal/effective date | EPA approval date | Explanation |
|---|---|--------------------------------|--|---------------------|
| State Attorney General's Opinion. | Statewide | 09/04/72 | 04/09/79, 44 FR 21020. | Ref 52.1640(c)(4). |
| Revisions to New Source Review and Source Surveillance. | Statewide | 01/03/73 | 04/09/79, 44 FR 21020. | Ref 52.1640(c)(5). |
| Clarification of State permit and Source Surveillance. | Statewide | 01/18/73 | 04/09/79, 44 FR 21020. | Ref 52.1640(c)(6). |
| Revision for Attainment of Standards. | PM in Albuquerque, Grant, Eddy and Lea counties; Ozone in Albuquerque; SO ₂ in San Juan and Grant counties; and CO in Las Cruces, Farmington, and Santa Fe counties. | 01/23/79 | 04/10/80, 45 FR 24468 and 03/26/81, 46 FR 18694. | Ref 52.1640(c)(11). |

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP—Continued

| Name of SIP provision | Applicable geographic or nonattainment area | State submittal/effective date | EPA approval date | Explanation |
|--|---|-----------------------------------|--|---------------------|
| Ordinance for Motor Vehicle Emission I/M program. | Albuquerque | 07/02/79 | 04/10/80, 45 FR 24468. | Ref 52.1640(c)(12). |
| TSP Plan, RFP, and Transportation Commitments. | Albuquerque | 08/02/79 | 04/10/80, 45 FR 24468. | Ref 52.1640(c)(13). |
| Schedule for Albuquerque TSP plan, revising permit regulations, and extension request. | Albuquerque and Grant county. | 09/25/79 | 04/10/80, 45 FR 24468. | Ref 52.1640(c)(14). |
| CO Strategies | Farmington and Santa Fe counties. | 01/23/79 | 04/10/80, 45 FR 24468. | Ref 52.1640(c)(15). |
| Compliance schedules for several industries. | Eddy, Lea, and Grant counties. | 07/25/79 | 12/24/80, 45 FR 85006. | Ref 52.1640(c)(16). |
| Revision for attainment of CO standard. | Bernalillo county | 03/17/80 | 03/26/81, 46 FR 18694. | Ref 52.1640(c)(17). |
| Commitment to not issue permits to stationary sources. | Nonattainment areas | 05/20/80 | 03/26/81, 46 FR 18694. | Ref 52.1640(c)(18). |
| Commitment to submit I/M enforcement plan. | Albuquerque, Bernalillo county. | 10/10/80 | 03/26/81, 46 FR 18694. | Ref 52.1640(c)(19). |
| Revision to ambient monitoring plan. | Statewide | 12/12/79 | 08/06/81, 46 FR 40006. | Ref 52.1640(c)(20). |
| Variance to regulation 506 for Phelps Dodge Corp. | Hidalgo Smelter in Playas, NM. | 02/04/80 | 08/19/81, 46 FR 42065. | Ref 52.1640(c)(21). |
| Revised SO ₂ control strategy. | San Juan county | 02/12/81 | 08/27/81, 46 FR 43153. | Ref 52.1640(c)(22). |
| Memorandum of understanding between the State and Arizona Public Service Company. | Statewide | 04/16/81 | 08/27/81, 46 FR 43153. | Ref 52.1640(c)(22). |
| Compliance schedule for units 4 and 5 of the Arizona Public Service. | Four Corners Power plant. | 03/31/80 | 03/30/82, 47 FR 13339. | Ref 52.1640(c)(23). |
| Variance to regulation 603 for units 3, 4, and 5 of the Arizona Public Service. | Four Corners Power plant. | 07/31/80 | 03/30/82, 47 FR 13339. | Ref 52.1640(c)(25). |
| New Mexico plan for Lead. | Statewide | 05/19/80 | 05/05/82, 47 FR 19334 and 08/14/84, 49 FR 32184. | Ref 52.1640(c)(27). |
| Revision to SO ₂ control strategy. | Grant county | 05/12/81 and 08/13/81. | 05/05/82, 47 FR 19333. | Ref 52.1640(c)(28). |
| Intergovernmental Consultation program. | N/A | 03/28/80 | 03/08/84, 49 FR 08610. | Ref 52.1640(c)(31). |
| Public Information and Participation program. | Statewide | 12/20/79 | 08/24/83, 48 FR 38467. | Ref 52.1640(c)(33). |
| Revision for attainment of CO standard. | Bernalillo county | 06/28/82 and 01/26/83. | 07/01/83, 48 FR 30366. | Ref 52.1640(c)(34). |
| Variance to regulation 603.B for units 3, 4, and 5 of the Arizona Public Service. | Four Corners Power Plant. | 02/04/87, 10/26/87, and 02/16/88. | 10/27/89, 54 FR 43814. | Ref 52.1640(c)(38). |
| Revision to SIP for moderate PM ₁₀ nonattainment areas. | Anthony area; Dona Ana county. | 11/08/91 | 09/09/93, 58 FR 47383. | Ref 52.1640(c)(50). |

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EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP—Continued

| Name of SIP provision | Applicable geographic or nonattainment area | State submittal/effective date | EPA approval date | Explanation |
|--|--|--------------------------------|------------------------|---------------------|
| Narrative plan addressing CO nonattainment areas. | Albuquerque, Bernalillo county. | 11/05/92 | 11/29/93, 58 FR 62535. | Ref 52.1640(c)(52). |
| CO contingency measures and proposed Clean Fuel Vehicle fleet demonstration. | Albuquerque, Bernalillo county. | 11/12/93 | 05/05/94, 59 FR 23167. | Ref 52.1640(c)(57). |
| Update to supplement to control air pollution. | Bernalillo county | 11/09/94 | 06/24/96, 61 FR 32339. | Ref 52.1640(c)(61). |
| Revision approving request for redesignation, a vehicle I/M program, and required maintenance plan. | Albuquerque, Bernalillo nonattainment area. | 05/11/95 | 06/13/96, 61 FR 29970. | Ref 52.1640(c)(63). |
| Waiver of NO _x control requirements.. | Doña Ana County (part), marginal ozone nonattainment area. | 10-01-97 | 2/8/02, 67 FR 6152. | |
| Revision for Attainment, and Maintenance Plan of SO ₂ Standards. | Portion of Grant County, this portion is restricted to a 3.5 mile radius around the Kennecott Copper Corporation (now owned by the Phelps Dodge Corporation and called the Hurley smelter) and land above 6470 feet Mean Sea Level within an 8 mile radius of the Hurley Smelter/Concentrator in Hurley. | 02/21/03 | 9/18/03, 68 FR 54676. | |
| Contingency Measures Plan. | Portion of Grant County, this portion is restricted to a 3.5 mile radius around the Kennecott Copper Corporation (now owned by the Phelps Dodge Corporation and called the Hurley smelter) and land above 6470 feet Mean Sea Level within an 8 mile radius of the Hurley Smelter/Concentrator in Hurley. | 02/21/03 | 9/18/03, 68 FR 54676. | |
| Maintenance plan for carbon monoxide—Albuquerque/Bernalillo County, New Mexico: Update of carbon monoxide budgets using MOBILE6. | Bernalillo County | 02/12/03 | 10/9/03, 68 FR 58280. | |

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40 CFR Ch. I (7–1–04 Edition)

[63 FR 37495, July 13, 1998, as amended at 63 FR 48109, Sept. 9, 1998; 64 FR 29239, June 1, 1999; 64 FR 36790, July 8, 1999; 64 FR 51692, Sept. 24, 1999; 65 FR 14877, Mar. 20, 2000; 65 FR 33460, May 24, 2000; 67 FR 6152, Feb. 8, 2002; 68 FR 54676, Sept. 18, 2003; 68 FR 58280, Oct. 9, 2003]

§ 52.1621 Classification of regions.

The New Mexico plan was evaluated on the basis of the following classifications:

| Air quality control region | Pollutant | | | | |
|--|--------------------|---------------|------------------|-----------------|-------|
| | Particulate matter | Sulfur oxides | Nitrogen dioxide | Carbon monoxide | Ozone |
| Albuquerque-Mid-Rio Grande Intrastate | I | III | III | III | I |
| New Mexico Southern Border Intrastate | IA | IA | III | III | III |
| El Paso-Las Cruces-Alamogordo Interstate | I | IA | III | I | I |
| Four Corners Interstate | IA | IA | III | III | III |
| Northeastern Plains Intrastate | III | III | III | III | III |
| Pecos-Permian Basin Intrastate | III | III | III | III | III |
| Southwestern Mountains-Augustine Plains Intrastate | III | III | III | III | III |
| Upper Rio Grande Valley Intrastate | III | III | III | III | III |

[37 FR 1081, May 31, 1972, as amended at 39 FR 16347, May 8, 1974; 42 FR 20131, Apr. 18, 1977; 45 FR 24468, Apr. 10, 1980; 45 FR 67347, Oct. 10, 1980; 52 FR 5965, Feb. 27, 1987]

§ 52.1622 Approval status.

With the exceptions set forth in this subpart, the Administrator approves New Mexico's plan for the attainment and maintenance of the national standards under section 110 of the Clean Air Act. Further, the Administrator finds that the plan satisfies all requirements of the Part D of the Clean Air Act, as amended in 1977, except as noted below.

[45 FR 24468, Apr. 10, 1980]

§ 52.1623 Conditional approval.

(a) *General Conformity.* (1) A letter, dated April 22, 1998, from the Chief of Air Quality Bureau New Mexico Environment Department to the EPA Regional Office, commits the State to remove Section 110.C from its rule for making the State's rule consistent with Federal rule. Specifically, the letter states that:

This letter is regarding our general conformity rule, 20 NMAC 2.98—Conformity of General Federal Actions to the State Implementation Plan. We have been reviewing paragraph 110.C under Section 110—Reporting Requirements. This is the paragraph in which the Federal Aviation Administration (FAA) had submitted a comment of concern to EPA, during EPA's proposed/final approval period for our rule. This comment caused EPA to withdraw its approval. The

FAA had commented that New Mexico was more stringent than EPA, since our rule does not apply to non-Federal agencies. Our analysis has determined that our inclusion of this paragraph may make our rule more stringent than EPA, and should not have been included. The paragraph had originally come from a STAPPA/ALAPCO model rule. New Mexico had never intended to be more stringent than EPA with regards to general conformity. Hence, the State commits to putting 20 NMAC 2.98 on our regulatory agenda and plan to delete this paragraph within one year from the FEDERAL REGISTER publication of final notice of conditional approval to New Mexico's general conformity SIP.

(2) If the State ultimately fails to meet its commitment to remove this section from its rule within one year of publication of this conditional approval, then EPA's conditional action will automatically convert to a final disapproval.

(b) [Reserved]

[63 FR 48109, Sept. 9, 1998]

§§ 52.1624–52.1626 [Reserved]

§ 52.1627 Control strategy and regulations: Carbon monoxide.

Part D Approval. The Albuquerque/Bernalillo County carbon monoxide maintenance plan as adopted on April